

**From:** [Neugeboren, Steven](#)  
**To:** [Garbow, Avi](#)  
**Cc:** [Schroer, Lee](#); [Srinivasan, Gautam](#); [Mitchell, Stacey](#)  
**Subject:** Re: Changes to West Virginia's NPDES Program  
**Date:** Wednesday, March 18, 2015 8:38:36 PM

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Avi - I asked my folks to reach out to OW and the region to find out the state of play and see if similar requests had gone to others in the agency. Let me circle back with them and get back to you tomorrow.

Sent from my iPhone

On Mar 18, 2015, at 6:20 PM, Garbow, Avi <[Garbow.Avi@epa.gov](mailto:Garbow.Avi@epa.gov)> wrote:

Steve,

Several days ago I asked Carla to forward to you the letter that is also attached here. Not sure if you have received it, but it nevertheless pertains to W.Va. and conductivity issues in their NPDES program. I have not yet responded to the senders, who in their letter, and in the follow-up email below, request a meeting. Unless you all advise otherwise, would you respond to Mr. Hecker by indicating that we discussed the letter and his request, and see if you can set something up for you to meet with him. Would include Stacey. I can join if you think that would be warranted, and if so, we can kick this to Carla to help schedule. Thoughts?

Avi

Avi Garbow  
General Counsel  
U.S. Environmental Protection Agency  
(202) 564-8040

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**From:** Jim Hecker [<mailto:JHecker@publicjustice.net>]  
**Sent:** Wednesday, March 18, 2015 10:22 AM  
**To:** Garbow, Avi  
**Subject:** Changes to West Virginia's NPDES Program

Dear Mr. Garbow:

I hope you have had a chance to review the attached letter we sent to you last month about the changes to West Virginia's NPDES program in SB 166 and SB 357.

The relevant provisions of SB 166 were enacted as HB 2283 (pp. 4-5), which was passed by the Legislature on March 12 and became effective on that date. SB 357 was signed by the Governor on March 12 and will become effective on June 1, 2015. The final version of that bill provides that water quality standards "shall not be

considered 'effluent standards or limitations' for the purposes of both this article and sections 309 and 505 of the federal Water Pollution Control Act and shall not be independently or directly enforced or implemented except through the development of terms and conditions of a permit issued pursuant to this article." SB 357, p. 20. It also provides that "water quality standards themselves shall not be incorporated wholesale either expressly or by reference as effluent standards or limitations in a permit issued pursuant to this article." Id. at 22.

Would it be possible to meet with you to discuss these changes?

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<EPA 2-27-15 letter.pdf>